

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	)	
In re REFCO, INC. SECURITIES LITIGATION	)	07 MDL No. 1902 (GEL)
-----X	)	
-----X	)	
MARC S. KIRSCHNER,	)	
As Trustee of the Refco Litigation Trust,	)	
	)	
Plaintiff,	)	
-vs.-	)	
	)	
GRANT THORNTON LLP, MAYER BROWN,	)	
ROWE & MAW, LLP, et al., ERNST & YOUNG	)	
U.S. LLP., PRICEWATERHOUSECOOPERS LLP,	)	Kirschner v. Grant Thornton LLP et al.
CREDIT SUISSE SECURITIES (USA) LLC, (f/k/a )	)	No. 07 Civ. 11604 (GEL)
CREDIT SUISSE FIRST BOSTON LLC), BANC	)	
OF AMERICA SECURITIES LLC, DEUTSCHE	)	ECF Filed
BANK SECURITIES INC., PHILLIP R. BENNETT,	)	
SANTO C. MAGGIO, ROBERT C. TROSTEN,	)	ORAL ARGUMENT REQUESTED
TONE N. GRANT, REFCO GROUP HOLDINGS,	)	
INC., LIBERTY CORNER CAPITAL	)	
STRATEGIES, LLC, WILLIAM T. PIGOTT, EMF	)	
FINANCIAL PRODUCTS, LLC, EMF CORE	)	
FUND, LTD., DELTA FLYER FUND, LLC, ERIC	)	
M. FLANAGAN, INGRAM MICRO, INC., CIM	)	
VENTURES, INC., BECKENHAM TRADING CO.,)	)	
INC., ANDREW KRIEGER, COAST ASSET	)	
MANAGEMENT, LLC (f/k/a COAST ASSET	)	
MANAGEMENT LP), CS LAND MANAGEMENT,	)	
LLC, and CHRISTOPHER PETITT,	)	
	)	
Defendants.	)	
-----X	)	

**THE INVESTMENT BANKS' NOTICE OF MOTION TO  
DISMISS CLAIMS 15, 34, 35, 36, 43 AND 44 OF THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Investment Banks' Motion to Dismiss Claims 15, 34, 35, 36, 43 and 44 of the Complaint, the Declaration of Jeremy S. Winer in Support of the Investment Banks' Motion to Dismiss

Claims 15, 34, 35, 36, 43 and 44 of the Complaint, dated May 21, 2008, and all prior proceedings had herein, Defendants Credit Suisse Securities (USA) LLC, Banc of America Securities LLC, and Deutsche Bank Securities Inc. (the "Investment Banks"), by and through their undersigned counsel, will move before the Honorable Gerard E. Lynch, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order dismissing Claims 15, 34, 35, 36, 43 and 44 of the Complaint with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

Pursuant to the Court's May 14, 2008, Stipulation and Order, any opposing affidavits and answering memoranda to the Investment Banks' Motion to Dismiss must be served on the undersigned on or before August 29, 2008.

Dated: New York, New York  
May 21, 2008

WILMER CUTLER PICKERING  
HALE AND DORR LLP

By: /s Philip D. Anker  
Robert B. McCaw  
Philip D. Anker  
(philip.anker@wilmerhale.com)  
Lori A. Martin  
John V.H. Pierce  
Dawn M. Wilson  
Jeremy S. Winer

399 Park Avenue  
New York, New York 10022  
Tel.: (212) 230-8800  
Fax: (212) 230-8888

*Attorneys for Defendants Credit Suisse  
Securities (USA) LLC, Banc of America  
Securities LLC, Deutsche Bank Securities,  
Inc.*